IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.3243 of 2007

Geeta Vasant Gurav
and one Anr. Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr Shekhar A Ingawale,Advocate for the applicants.

Mr Rajesh More, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 8TH OCTOBER, 2007.

P.C.:-

1. Heard learned counsel for the applicants and learned A.P.P.for the State.

2. Perused application and the material available on record.

3. Learned counsel appearing on behalf of the applicants seeks permission to withdraw the application on behalf of the applicant No.1 "Geeta Vasant Gurav" with liberty to move the same after receipt of the report of viscera from the office of Chemical Analyser. In this view of the matter, the application is dismissed as "withdrawn" on behalf of the applicant No.1 with liberty reserved as aforesaid.

4. The accused-applicant No.2 is seeking bail under Section 439 of the Cr.P.C. in connection with C.R.No.66 of 2007 registered with Panhala Police Station for the offence punishable under Sections 302, 323,212 read with Section 34 of the I.P.C.

5. According to the prosecution, on 26.5.2007 the applicant no.1 and her two sons had assaulted the deceased Ananda Govinda Gurav and the witnesses by means of agriculture implements. Due to the said incident of assault, Ananda Govinda succumbed to the injuries sustained by him. That is how the offence under Sections 302, 323, 212 read with Section 34 of the I.P.C. came to be registered on the basis of complaint lodged by the son of deceased; namely,Sambhaji Ananda Gurav.

6. Considering the allegations against the applicant no. 2 that on the day of the alleged incident the complainant alongwith his wife and father had been to his field. At about 12:30 p.m. the co-accused Geeta, her son Navnath and daughter Sampada also came to the said field and assaulted the deceased on

his testicals. It is alleged that the present applicant had taken the co-accused on his motor cycle at the residence of her mother. There is no any overt-act on the part of the applicant no.2 at the time of alleged incident, prima facie, leads me to grant him bail on following terms and conditions.

(a) The applicant No.2 -accused, Sukhadev Krishnat Mane arrested in connection with C.R.No.66 of 2007 registered with Panhala Police Station, District Kolhapur, for the offence punishable under Sections 302, 323,212 read with Section 34 of the I.P.C. shall be enlarged on bail in the sum of Rs. 10,000/- with one or two sureties to make up the said amount.

b] The applicant No.2 shall report to the concerned Police Station once in a week i.e. on every Monday in between 3:00 to 5:00 p.m. till the conclusion of the trial.

c] The applicant No.2 shall not, directly or indirectly, make any inducement or threat to any prosecution

witnesses and shall not in any manner tamper with the prosecution evidence.

d] The applicant No.2 shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

e] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

f] It is needless to mention that breach of any of these conditions by the applicant shall result in cancellation of this bail.

7. Application is disposed of in above terms.

JUDGE